IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 19100 of 2007(W)

PETITIONER:

1. RENY JOHN, AGED 42 YEARS,
   W/O K.L.JOHN LAWRENCE,
   RESIDING AT 19/708A, PALLURUTHY,
   COCHIN-6.

2. K.L.JOHN LAWRENCE,
   S/O K.J.LEWIS, 51 YEARS,
   PROPRIETOR, GEM ENTERPRISES, 4/1731,
   NEAR MARY MATHA CHURCH, PALLIPURAM.

BY ADV. SRI.K.N.SIVASANKARAN
SRI.K.I.MAYANKUTTY MATHER
SRI.SUNIL SHANKER

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

2. DISTRICT COLLECTOR,
   ERNAKULAM.

3. TAHSILDAR, KOCHI.

4. VILLAGE OFFICER,
   KUZHUPILLY.

BY G.P. SHRI.I.V.PRRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.19100 of 2007

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Dated this the 21st day of June, 2007

J U D G M E N T

Heard both sides.

2. The petitioners challenge Ext.P4 intimation whereby they have been directed to vacate the premises mentioned in Ext.P4 within 3 days. Petitioners' contention is that Ext.P4 was not preceded by any notice or hearing and is therefore, violative of the principles of natural justice as well as the provisions of the Kerala Land Conservancy Act and Rules. The learned Government Pleader could not satisfy me that Ext.P4 was preceded by any notice or hearing. Further, in Ext.P4 no reasons are mentioned as to why emergency provisions under the Kerala Land Conservancy Act should be invoked. Therefore, Ext.P4 is not sustainable. However, in view of the order I propose to pass, it is not necessary to quash

Ext.P4. The petitioners have filed Ext.P5 objections to Ext.P4.

3. In the facts and circumstances of the case, I dispose of this writ petition with the following directions:

The third respondent is directed to treat Ext.P4 as a show-cause notice directing the petitioners to show-cause why the petitioners should not be evicted from the property in question and consider Ext.P5 objections filed by the petitioners. Thereafter, a speaking order dealing with the contentions of the petitioner shall be passed after affording an opportunity of being heard to the petitioners, which shall include opportunity to adduce evidence in support of their case. Till such orders are passed, no proceedings shall be initiated for eviction of the petitioners from the property in question.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.